

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SEP 18 2013

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

ROBERT J. COLLIER,  
Plaintiff,

Case No. 7:13-cv-00104-JCT

v.

ORDER

LAND & SEA RESTAURANT CO., LLC  
d/b/a FRANKIE ROWLAND'S  
STEAKHOUSE,  
Defendant/Third-Party Plaintiff,

By: James C. Turk  
Senior United States District Judge

v.

PERFORMANCE FOOD GROUP, INC.  
d/b/a PERFORMANCE FOOD  
SERVICE-VIRGINIA,  
Third-Party Defendant/  
Fourth-Party Plaintiff,

v.

WEAVER FRESH SEAFOOD &  
PRODUCE,  
Third-Party Defendant,

v.

SAM RUST SEAFOOD & PRODUCE,  
Fourth-Party Defendant.

In accordance with the accompanying Memorandum Opinion entered this day, it is  
hereby

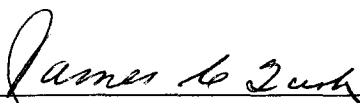
**ADJUDGED and ORDERED**

that Fourth-Party Defendant's Motion to Dismiss (ECF No. 40) is **GRANTED** and that the claim  
in the Fourth-Party Complaint of Performance Food Group seeking common law indemnification  
against Sam Rust Seafood & Produce is hereby **DISMISSED WITH PREJUDICE**.

The Clerk of the Court is directed to send a copy of this memorandum opinion and accompanying order to all counsel of record.

**IT IS SO ORDERED.**

ENTER: This 18<sup>th</sup> day of September, 2013.

  
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Senior United States District Judge